

REMARKS/ARGUMENTS

Claims 1-14 were presented for examination and are pending in this application. In an Official Office Action dated November 12, 2009 claims 1-14 were rejected. The Applicant thanks the Examiner for his consideration and addresses the Examiner's comments concerning the claims pending in this application below.

Applicant herein amends claim 1 and respectfully traverses the Examiner's prior rejections. No claims are presently canceled and no new claims are added. These changes are believed not to introduce new matter, and their entry is respectfully requested. The claims have been amended to expedite the prosecution and issuance of the application. In making this amendment, the Applicant has not and is not, narrowing the scope of the protection to which the Applicant considers the claimed invention to be entitled and does not concede, directly or by implication, that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, the Applicant reserves the right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and withdraw them.

Objection to Claim 1

Claim 1 was objected to for minor informalities. Claim 1 is herein amended adding commas to offset the phrase, "after a last sample of the series of samples is received" as suggested by the Examiner. Reconsideration is requested.

35 U.S.C. §103(a) Obviousness Rejection of Claims

Claims 1-10, 12 and 13 stand rejected under 35 USC § 103(a) as being unpatentable over U.S Patent Application Publication No. 2002/0037027 by Medlock

("Medlock") in view of Applicant Admitted Prior Art (AAPA). Claim 11 stands rejected over Medlock and AAPA, in further view of U.S. Patent 6,788,731 by Kim ("Kim"). Claim 14 stands rejected over Medlock in view AAPA and in further view of Kim. Applicant respectfully traverses these rejections based on the aforementioned amendment and the following remarks.

The U.S. Patent and Trademark Office ("USPTO") has again failed to establish a *prima facie* case of obviousness. The Applicant reiterates that the Federal Circuit has held many times that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Claim 1 states, among other things, "and further comprising control means configured to generate, after a last sample of the series of samples is received, read and write addresses of the samples in the delay sub-lines from the series of samples of the input signal, so that a read address is equal to a difference between the write address of the single sample in a delay sub-line of the input signal and a delay expressed as a number of sampling periods from the series of delays...." Neither AAPA or Medlock teach or suggest at least this claimed element of the invention.

Having overcome previous rejections based on an article authored by Harju et al entitled "A Flexible Rake Receiver Architecture for WCDMA Mobile Terminals", the Examiner attempts to craft a rejection based on Medlock and AAPA. The attempt however remains wanting of substantive support.

In the current rejection, Medlock is cited for generating read and write addresses in delay sub-lines from a series of samples of input signals, after the last sample as been received, so that the read address is equal to a difference between

the write address of the single sample in the delay sub-line and the delay expressed as a number of sampling periods from the series of delays. However, a careful examination of the cited Figures (Figures 9 and 10) and the cited paragraphs (paragraphs 56 and 63) provides no such teaching.

Medlock appears to teach a decimation circuit that decimates the sampling rate of data to produce a decimated rate. By storing the data at the decimated rate, storage requirements are reduced. The data is then interpolated by another factor to restore the data to a faster rate. Medlock further describes a process using multiple memory locations to store data from multiple sources. By reprocessing the data multiple times, the memory and the rake fingers are effectively used many times per chip (or block of chips) so as to again reduce the amount of hardware required for a given number of rake fingers.

Lacking from Medlock is any description or suggestion of generating read and write addresses after the last sample is received so that a read address is equal to a difference between the write address of the single sample in a delay sub-line of the input signal and a delay expressed as a number of sampling periods from the series of delays. This feature of the claimed invention is simply absent from Medlock.

Rather than generating the read and write addresses so that the read address is equal to the difference between the write address and a delay as claimed by the present invention, Medlock decimates received data by a certain factor, stores the data, and then reads the data from memory as needed by the interpolation circuit. See Medlock paragraph [0065]. Paragraphs [0072-0074] of Medlock further discuss addressing memory, which is again, void of any correlation between generating the read and write addresses so that the difference between the read addresses relate to the signal delay.

The conclusion reached by the rejection, that there is an offset between the read and write addresses, does not teach or suggest the stated limitation.

Furthermore, the fact that Medlock appears to follow a different approach to generation of read and write addresses would lead one skilled in the relevant art down a different path, apart from that claimed by the present invention.

A proper legal analysis under *KSR Int'l Co. v. Teleflex, Inc.*, 127 U.S. 1727, 1740-41 (U.S. 2007) fails to support the combination of Medlock and AAPA where the prior art teaches away from combining certain known elements, making the combination more likely to be nonobvious. *Id.*, citing *United States v. Adams*, 383 U.S. 39, 40 (1966).

Medlock describes a methodology for assigning memory addresses different than that of the present invention. An artisan having common sense at the time of the present invention would not have reasonably considered using an approach different from what is taught by Medlock. See, also, e.g., *Ex Parte Green*, Appeal 20071271, decided June 12, 2007. The conclusion reached by the Examiner is without support.

In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance, which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicant's attorney at the telephone number listed below.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

11 January, 2010

Respectfully submitted,


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